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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fifty-second session of the Sub-Commission on the Promotion and Protection of Human Rights will be held at the United Nations Office at Geneva from 31 July to 18 August 2000.* The first meeting will be convened at 10.30 a.m. on Monday, 31 July 2000.

Provisional agenda

2. The provisional agenda,** prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

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* Subject to approval by the Economic and Social Council, at its substantive session of 2000, of the recommendation of the Commission on Human Rights that the annual session of the Sub-Commission shall, from this year, be of three weeks' duration (Commission decision 2000/109, annex B, draft decision 5).

** Based on the draft provisional agenda for the fifty-second session of the Sub-Commission as contained in the report of the Sub-Commission on its fifty-first session (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, para. 284), and revised on the basis of the expected adoption by the Economic and Social Council of a resolution concerning the review of the procedure for dealing with communications concerning human rights (see Commission decision 2000/109, annex B, draft resolution).

Inter-sessional, pre-sessional and post-sessional working groups

3. In accordance with relevant decisions, the fifty-second session of the Sub-Commission will be preceded by meetings of three working groups and followed by a meeting of one working group as follows:

(a) Working Group on Minorities, established pursuant to Economic and Social Council resolution 1995/31 of 25 July 1995. This working group of five members of the Sub-Commission met for five working days, from 22 to 26 May 2000;

(b) Working Group on Contemporary Forms of Slavery, established pursuant to Economic and Social Council decision 16 (LVI) of 17 May 1974. In accordance with the arrangements endorsed by the Commission on Human Rights in its resolution 1993/27 of 5 March 1993, this working group of five members of the Sub-Commission will meet for eight working days prior to the fifty-second session of the Sub-Commission, from 14 to 23 June 2000;

(c) Working Group on Indigenous Populations, established pursuant to Economic and Social Council resolution 1982/34 of 7 May 1982. This working group of five members of the Sub-Commission will meet for five working days prior to the fifty-second session of the Sub-Commission, from 24 to 28 July 2000;

(d) Working Group on Communications, established under Sub-Commission resolution 2 (XXIV) in accordance with paragraph 1 of Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970. Pursuant to the revised procedure for dealing with communications concerning human rights proposed by the Commission on Human Rights for approval by the Economic and Social Council (see Commission decision 2000/109, annex B, draft resolution), this working group of five members of the Sub-Commission will meet for two weeks immediately following the fifty-second session of the Sub-Commission, from 21 August to 1 September 2000.

In-sessional working groups

4. Since its thirty-fourth session in 1981, the Sub-Commission has established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. At its forty-sixth session in 1994, the Sub-Commission established a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

5. The Sub-Commission may wish to consider establishing such a sessional working group at its fifty-second session.

6. At its fiftieth session, the Sub-Commission, in resolution 1998/8, decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations.

Annotations

7. The annotations to the items listed in the provisional agenda will be issued as an addendum to the present document.

Provisional agenda

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

   (a) Situation of migrant workers and members of their families;

   (b) Xenophobia.

4. The realization of economic, social and cultural rights:

   (a) The international economic order and the promotion of human rights;

   (b) The realization of the right to development;

   (c) The question of transnational corporations;

   (d) The realization of the right to education, including education in human rights.

5. The implementation of human rights with regard to women:

   (a) Traditional practices affecting the health of women and the girl child;

   (b) The role and equal participation of women in development.

6. Contemporary forms of slavery.

7. Human rights of indigenous peoples:

   (a) Indigenous peoples and their relationship to land.

8. Prevention of discrimination against and the protection of minorities.

9 The administration of justice and human rights:

(a) Question of human rights and states of emergency;

(b) Application of international standards concerning the human rights of detained juveniles;

(c) Gross and massive violations of human rights as an international crime;

(d) Juvenile justice;

(e) Privatization of prisons;

(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

10 Freedom of movement:

(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

(b) Human rights and population displacements.

11 Situation regarding the promotion, full realization and protection of the rights of children and youth.

12 Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(iii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions;

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights;

(ii) Terrorism and human rights;

(iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

13 Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-third session of the Sub-Commission;

(c) Adoption of the report on the fifty-second session.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights*
Fifty-second session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General**

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* Pursuant to Economic and Social Council decision 1999/256 of 27 July 1999, the title of the Sub-Commission on Prevention of Discrimination and Protection of Minorities was changed, with immediate effect, to "Sub-Commission on the Promotion and Protection of Human Rights".

** These annotations are based upon the provisional agenda of the fifty-second session of the Sub-Commission, with the addition of indicative subheadings dividing the text of the annotations for ease of reference.

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Item 1. Organization of work

Sub-item (a) Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Sub-item (b) Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/2000/1.

3. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1). As a result of those decisions, the Sub-Commission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

4. In its resolution 1993/22, the Sub-Commission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year.

5. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

6. Pursuant to the revised procedure for dealing with communications concerning human rights approved by the Economic and Social Council in its resolution 2000/3 of 16 June 2000 on the recommendation of the Commission on Human Rights contained in its decision 2000/109, agenda item 13 entitled "Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in

accordance with Economic and Social Council resolution 1503 (LXVIII)" has been removed from the provisional agenda of the present session of the Sub-Commission. (See also paras. 21-22 below.)

Sub-item (c) Methods of work of the Sub-Commission

Organization of work

7. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world, at the commencement of its annual sessions.

8. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. In its decision 1999/103, the Sub-Commission decided not to establish a sessional working group on the administration of justice at its fifty-first session and to consider the matter again at its next session. The Sub-Commission may wish to consider establishing such a sessional working group at the present session.

9. At its fiftieth session, the Sub-Commission, in resolution 1998/8, decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations (see also paras. 85-91 below).

10. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its resolution 1992/8 containing the guidelines concerning its methods of work, in particular to guidelines Nos. 13 (Schedule of meetings), 14 (Order of statements), 15 (List of speakers) and 16 (Speaking time) as well as to the annex to its decision 1999/114 containing the guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto. (See also paras. 12-18 below.) The attention of the Sub-Commission is also drawn to the decisions it adopted at its fifty-first session concerning the organization of its work (see E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, paras. 21-27), in particular those relating to the limitation of the frequency and duration of statements (paras. 21-23), the opening and closure of the list of speakers (para. 24) and the submission of draft resolutions (para. 25).

Methods of work

11. The Economic and Social Council, in resolutions 1983/32, 1986/35 and 1991/32; the Commission, in resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25, 1997/22, 1998/28 and 1999/81 and decisions 1986/102 and 1994/103; and the Sub-Commission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101, 1991/117, 1994/117, 1995/112, 1995/113, 1995/114, 1995/115, 1996/112, 1996/113, 1996/114, 1996/115, 1997/112,

1997/113 and 1999/114, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In its resolutions 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25, 1997/22, 1998/28, 1999/81 and 2000/83, the Commission requested the Chairmen of the Sub-Commission to report to the Commission. The Chairpersons of the Sub-Commission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60), fiftieth (E/CN.4/1994/70), fifty-first (E/CN.4/1995/83), fifty-second (E/CN.4/1996/81), fifty-third (E/CN.4/1997/79), fifty-fourth (E/CN.4/1998/88), fifty-fifth (E/CN.4/1999/84) and fifty-sixth (E/CN.4/2000/87) sessions.

12. At its forty-fourth session, the Sub-Commission, in its resolution 1992/8, having taken note of the report of the inter-sessional Working Group on the methods of work of the Sub-Commission, decided to annex to that resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

13. In its decision 1997/112, the Sub-Commission decided to annex to the guidelines concerning its methods of work the criteria for new studies contained in that decision which should guide the Sub-Commission when choosing new subjects for study.

14. At its forty-sixth session, the Sub-Commission established a sessional working group on methods of work. In its decision 1994/117, the Sub-Commission decided to adopt the report of its sessional working group on methods of work (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to.

15. In its decision 1995/112, the Sub-Commission also adopted several rulings concerning its methods of work.

16. In its decision 1995/113, the Sub-Commission decided to continue the practice of considering its agenda item dealing with violations of human rights at the beginning of the session, starting on the day following the adoption of the agenda.

17. In its decision 1996/114, the Sub-Commission, mindful of the need for and merit of having a consolidated set of the rules of procedure fully applicable to it, decided to entrust Mr. Ribot Hatano with the task of preparing a working paper relating to the methods of work of the Sub-Commission which would contain: (a) a compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission; and (b) a list of the procedural questions which need to be resolved by the Sub-Commission. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1997/3). At its fiftieth session, the Sub-Commission had before it a revised working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1998/3). At its fifty-first session, the Sub-Commission had before it the final working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1999/2).

18. The working papers prepared by Mr. Hatano were considered by the sessional working group on the methods of work of the Sub-Commission established at its forty-ninth and fifty-first sessions. In its decision 1999/114, the Sub-Commission decided to transmit to the Commission

on Human Rights for its information the "Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto" resulting from the work of its sessional working group on methods of work. The guidelines were annexed to Sub-Commission decision 1999/114. In the same decision, the Sub-Commission requested the High Commissioner for Human Rights to disseminate those guidelines in printed form in order to make them readily accessible to all participants in the sessions of the Sub-Commission.

19. In its resolution 2000/83 entitled "Work of the Sub-Commission on the Promotion and Protection of Human Rights", the Commission on Human Rights reaffirmed its recognition of the valuable contribution made by the Sub-Commission to the human rights work of the United Nations over the past 53 years. It also reaffirmed the need for clarification and adjustment of the mandate of the Sub-Commission as outlined in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112). The Commission decided to consider the issue of the work of the Sub-Commission again at its fifty-seventh session and invited the Chairperson of its fifty-sixth session to address the Sub-Commission at the opening meeting of its fifty-second session and to inform it about the debate that took place on this subject at the fifty-sixth session of the Commission.

20. In its decision 2000/109 entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights", the Commission decided to approve and implement comprehensively and in its entirety the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112). To facilitate the implementation of the report of the Working Group in its entirety, the Commission also decided to transmit to the Economic and Social Council several specific draft decisions and one draft resolution which required the approval of the Council.

21. In a draft decision recommended to the Economic and Social Council for adoption in Commission decision 2000/109, the Commission inter alia, recommended that the annual session of the Sub-Commission, from this year, be of three weeks' duration. In the draft resolution entitled "Procedure for dealing with communications concerning human rights", also recommended to the Council for adoption in Commission decision 109, a review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions was proposed. As explained in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, the recommendation was that the Sub-Commission as a whole cease to have a role in the 1503 procedure (E/CN.4/2000/112, para. 55). On the basis of this recommendation, former item 13 entitled "Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)" has been removed from the provisional agenda of the present session of the Sub-Commission.

22. The revised procedure for dealing with communications concerning human rights was approved by the Economic and Social Council in its resolution 2000/3 of 16 June 2000.

23. Chapter four of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, which the Commission decided to approve and implement comprehensively and in its entirety, relates to the Sub-Commission (E/CN.4/2000/112, paras. 42-56). With regard to its methods of work, the attention of the Sub-Commission is drawn to the recommendation in paragraph 52 of the report:

> "the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission. It should also be allowed to discuss urgent matters involving serious violations of human rights in any country. However, the Sub-Commission should not adopt country-specific resolutions; its discussions would be reflected in the summary records of the debate, which should continue to be forwarded to the Commission."

The Working Group also recommended that the Sub-Commission, consistent with its independent expert character as a think-tank, should "refrain from negotiating and adopting thematic resolutions which contain references to specific countries" (para. 53).

24. The Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights also envisaged a potential role for the Sub-Commission in standard-setting, recommending in paragraph 58 of its report:

> "Before referring any matter to a working group the Commission should, where the necessary groundwork has not otherwise been undertaken, consider requesting the Sub-Commission to undertake a study on the question at hand and to prepare a draft text which should include a comprehensive analysis, with substantive comments, of the instrument envisaged. Among the issues to be addressed in any such study, and in the Commission's deliberations on whether to proceed, careful consideration should be given to the purposes of any drafting exercise and to the guidelines set out in General Assembly resolution 41/120."

25. The Sub-Commission will recall that in resolution 41/120 the Assembly invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Documentation

26. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. The attention of the Sub-Commission is also drawn to other relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50).

Item 2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

27. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories. (See also para. 23 above.)

Situation of human rights in the Republic of the Congo

28. At its fifty-first session, the Sub-Commission, in its resolution 1999/1, requested the Secretary-General to submit a report on the situation of human rights in the Republic of Congo to the Commission on Human Rights and to the Sub-Commission at their next sessions. The Sub-Commission recommended that the Commission consider the situation of human rights in the Republic of the Congo at its next session and decided, if the Commission was unable to do so, to continue consideration of the question at its fifty-second session.

29. At its fifty-sixth session, the Commission on Human Rights had before it the report of the Secretary-General on the situation of human rights in the Republic of the Congo (E/CN.4/2000/30).

30. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2000/4).

Violations of the rights of human rights defenders in all countries

31. At its fifty-first session, the Sub-Commission, in its resolution 1999/3, requested the United Nations High Commissioner for Human Rights to undertake inquiries about the security of the persons listed in the annex to that resolution and to inform the Sub-Commission, at its fifty-second session, of the results of her inquiries. The Sub-Commission decided to remain seized of the question of violations of the rights of human rights defenders at its fifty-second session.

32. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2000/5).

The death penalty, particularly in relation to juvenile offenders

33. At its fifty-first session, the Sub-Commission, in its resolution 1999/4, requested the Secretary-General to report to it at its fifty-second session on the number of executions of juveniles carried out between the adoption of that resolution and the start of the next session of the Sub-Commission and on the number of executions generally carried out in the same period. The Sub-Commission decided to continue consideration of the matter at its fifty-second session under the same agenda item.

34. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2000/6).

Continuing of obligations under international human rights treaties

35. At its fifty-first session, the Sub-Commission, in its resolution 1999/5, requested the Secretary-General to submit a report on the status of withdrawals and reservations with regard to international human rights treaties to the Commission on Human Rights and the Sub-Commission. The Sub-Commission recommended that the Commission consider the implications of withdrawal from, or limitation of the scope of, international treaty obligations at its next session and decided to continue consideration of the question at its fifty-second session under the same agenda item.

36. At its fifty-sixth session, the Commission on Human Rights had before it the report of the Secretary-General on the status of withdrawals and reservations with regard to International Covenants on Human Rights (E/CN.4/2000/96).

37. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2000/7).

Situation of long-term refugees and internally displaced persons

38. At its fifty-first session, the Sub-Commission, in its decision 1999/17, decided to adjourn the debate on part B of draft resolution E/CN.4/Sub.2/1999/L.18, entitled "Situation of long-term refugees and internally displaced persons", until its fifty-second session.

Situation of human rights in Togo

39. At its fifty-first session, the Sub-Commission, in a Chairperson's statement on the situation of human rights in Togo, agreed on by consensus by the Sub-Commission, made on 20 August 1999, requested to be informed by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity, at its next session, of the results of the efforts undertaken in the framework of that statement.

40. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/2000/8 and Add.1).

Situation of human rights in Belarus

41. At its fifty-first session, the Sub-Commission, in its decision 1999/105, decided, in view of a statement by the Chairman, to adjourn the debate on draft resolution E/CN.4/Sub.2/1999/L.6, entitled "Situation of human rights in Belarus", until its fifty-second session.

42. The Chairman's statement on the situation of human rights in Belarus, agreed on by consensus by the Sub-Commission, made on 20 August 1999, enumerated the steps that the Government of Belarus was prepared to take in order to further promote and protect human rights within the country. It was indicated in the statement that the Government of Belarus would prepare a written report as to the steps it had taken in that regard and would submit that report in time to be distributed at the fifty-second session of the Sub-Commission.

43. At the present session, the Sub-Commission will have before it a note by the secretariat transmitting the report of the Government of Belarus (E/CN.4/Sub.2/2000/9).

Persons in Nepal claiming to be refugees from Bhutan

44. At its fifty-first session, the Sub-Commission, in a Chairman's statement on persons in Nepal claiming to be refugees from Bhutan, agreed on by consensus by the Sub-Commission, made on 27 August 1999, decided to review at its next session the progress made in the resolution of the situation.

Other matters

Action by the General Assembly at its fifty-fourth session

45. The attention of the Sub-Commission is drawn to General Assembly resolutions 54/171, entitled "Situation of human rights in Cambodia", 54/177, entitled "Situation of human rights in

the Islamic Republic of Iran", 54/178, entitled "Situation of human rights in Iraq", 54/179, entitled "Situation of human rights in the Democratic Republic of the Congo", 54/182, entitled "Situation of human rights in the Sudan", 54/183, entitled "Situation of human rights in Kosovo", 54/184, entitled "Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)", 54/185, entitled "Situation of human rights in Afghanistan", 54/186, entitled "Situation of human rights in Myanmar", 54/187, entitled "Situation of human rights in Haiti", 54/188, entitled "Situation of human rights in Rwanda"

Action by the Commission on Human Rights at its fifty-sixth session

46. The attention of the Sub-Commission is also drawn to the following resolutions adopted and Chairperson's statements made at the Commission's fifty-sixth session that are relevant to the present agenda item:

(a) Resolutions

2000/2	Question of Western Sahara
2000/4	Situation in occupied Palestine
2000/6	Question of the violation of human rights in the occupied Arab territories, including Palestine
2000/7	Human rights in the occupied Syrian Golan
2000/15	Situation of human rights in the Democratic Republic of the Congo
2000/16	Human rights situation in southern Lebanon and west Bekaa
2000/17	Situation of human rights in Iraq
2000/18	Situation of human rights Afghanistan
2000/19	Situation of human rights in Equatorial Guinea and assistance in the field of human rights
2000/20	Situation of human rights in Burundi
2000/21	Situation of human rights in Rwanda
2000/22	Cooperation with representatives of United Nations human rights bodies
2000/23	Situation of human rights Myanmar
2000/24	Situation of human rights in Sierra Leone

2000/25 Situation of human rights in Cuba

2000/26 Situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

2000/27 Situation of human rights in the Sudan

2000/28 Situation of human rights in the Islamic Republic of Iran

2000/58 Situation in the Republic of Chechnya of the Russian Federation

2000/103 Question of human rights in Cyprus

(b) Chairperson's statements

Concerning the situation of human rights in Colombia

Concerning East Timor

Item 3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination

(a) Situation of migrant workers and members of their families

(b) Xenophobia

47. The item concerning measures to combat racism and racial discrimination and the role of the Sub-Commission has been on the Sub-Commission's agenda since its thirty-first session, in 1978. At its forty-sixth session, in its resolution 1994/4, the Sub-Commission decided that, beginning at its forty-seventh session, its agenda would include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

The concept and practice of affirmative action

48. In its decision 1997/118, the Sub-Commission decided to entrust Mr. Marc Bossuyt with the preparation of a working paper on the concept of affirmative action in order to enable it to take a decision at its fiftieth session on the feasibility of a study on that subject.

49. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Bossuyt (E/CN.4/Sub.2/1998/5). In its resolution 1998/5, the Sub-Commission decided, since the subject required careful and comprehensive inquiry, to appoint Mr. Bossuyt as Special Rapporteur with the task of preparing a study on the concept and practice of affirmative action, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-first session.

50. The Commission on Human Rights, in its decision 1999/107, decided to endorse the decision of the Sub-Commission to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which would pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine further the focus and methods of the study.

51. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2000/11).

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

52. At its fiftieth session, the Sub-Commission, in its resolution 1998/6, decided to request Mr. Paulo Sergio Pinheiro to prepare a paper on proposals for the work of the World Conference to be considered by the Sub-Commission at its fifty-first session.

53. At its fifty-first session, the Sub-Commission, in its resolution 1999/6, having welcomed the oral presentation by Mr. Paulo Sergio Pinheiro on proposals for the work of the World Conference, and looking forward to his working paper which would be available to the Preparatory Committee at its first session, requested the Secretary-General to provide for the participation of Mr. Paulo Sergio Pinheiro in the Preparatory Committee for the World Conference as representative of the Sub-Commission. The Sub-Commission also decided to discuss the World Conference further at its fifty-second session.

54. At the first session of the Preparatory Committee for the World Conference, which was held at Geneva from 1 to 5 May 2000, Mr. Pinheiro introduced his working paper containing proposals for the work of the World Conference (A/CONF.189/PC.1/13/Add.1).

55. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/14, invited United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission and the special rapporteurs concerned to participate actively in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner.

The rights of non-citizens

56. At its fiftieth session, the Sub-Commission, in its decision 1998/103, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided to entrust Mr. David Weissbrodt with the preparation of a working paper on the rights of persons who are not citizens of the country in which they live, to be submitted under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", in order to enable it to take a decision at its fifty-first session on the feasibility of a study on that subject.

57 At its fifty-first session, the Sub-Commission had before it the working paper prepared by Mr Weissbrodt (E/CN 4/Sub 2/1999/7 and Add 1). In its resolution 1999/7, the Sub-Commission endorsed the conclusions contained in the working paper, including with regard to the importance of undertaking an updated study on the rights of non-citizens. The Sub-Commission recommended that the Commission and the Economic and Social Council authorize it to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens, based on the working paper prepared by Mr David Weissbrodt as well as the comments made and the discussions that took place at the fifty-first session of the Sub-Commission and might be made or might take place at the fifty-sixth session of the Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session, and a final report at its fifty-fifth session.

58 At its fifty-sixth session, the Commission on Human Rights, in its decision 2000/104, endorsed the recommendation of the Sub-Commission.

Other matters

59 The attention of the Sub-Commission is drawn to General Assembly resolutions 54/153, entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance", 54/154, entitled "Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance", 54/158, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", and 54/166, entitled "Protection of migrants".

60 The attention of the Sub-Commission is also drawn to Commission on Human Rights resolutions 2000/14, entitled "Racism, racial discrimination, xenophobia and related intolerance", 2000/40 entitled "The incompatibility between democracy and racism", 2000/48, entitled "Human rights of migrants", 2000/49, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", and 2000/54 entitled "Violence against women migrant workers".

Item 4 The realization of economic, social and cultural rights

61 At its fortieth session, the Sub-Commission, in its resolution 1988/33, decided to entrust Mr Danilo Turk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights. In the period from 1989 to 1992, the Special Rapporteur on the realization of economic, social and cultural rights submitted four reports: a preli minary report (E/CN 4/Sub 2/1989/19), two progress reports (E/CN 4/Sub 2/1990/19 and E/CN 4/Sub 2/1991/17) and a final report (E/CN 4/Sub 2/1992/16). At its forty-fourth session, the Sub-Commission, in its resolution 1992/29, endorsed the recommendations contained in paragraphs 202 to 246 of the final report.

Globalization and its impact on the full enjoyment of all human rights

62. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/59, requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session.

63. At its fifty-first session, the Sub-Commission, in its resolution 1999/8, expressed its appreciation to Mr. J. Oloka-Onyango for his working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8). The Sub-Commission also expressed its appreciation to Mr. Oloka-Onyango and Ms. Deepika Udagama for their working paper on human rights as the primary objective of international trade, investment and finance policy and practice (E/CN.4/Sub.2/1999/11). The Sub-Commission decided, in response to the request from the Commission, and since this subject required careful and comprehensive inquiry, to appoint Mr. Oloka-Onyango and Ms. Udagama as Special Rapporteurs with the task of preparing a study on the issue of globalization and its impact on the full enjoyment of all human rights, and requested the Special Rapporteurs to submit a preliminary report to the Sub-Commission at its fifty-second session.

64. At its fifty-sixth session, the Commission on Human Rights, in its decision 2000/102, endorsed the appointment of Mr. Oloka-Onyango and Ms. Udagama as Special Rapporteurs to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights.

65. At the present session, the Sub-Commission will have before it the preliminary report prepared by the Special Rapporteurs, Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/2000/13).

The Social Forum

66. At its fiftieth session, the Sub-Commission had before it the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission endorsed the conclusions of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

67. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/53, decided that the Sub-Commission should further review, in the light of the ongoing discussions by the Commission on its working methods, the establishment of a forum on economic, social and cultural rights, to be called the Social Forum.

68. At its fifty-first session, the Sub-Commission, in its resolution 1999/10 entitled "The Social Forum", decided to hold a forum on economic, social and cultural rights, to be known as the Social Forum, for three days during the fifty-second session of the Sub-Commission. The Sub-Commission requested the Office of the United Nations High Commissioner for Human

Rights to assemble a report including recent documents and studies on economic, social and cultural rights. The High Commissioner was requested to send invitations to all the possible participants in the Social Forum, publish the purpose of that meeting and to send to possible participants an agenda and other information necessary for the holding of this inaugural session. The Sub-Commission requested the Commission on Human Rights to endorse the holding of a Social Forum during the fifty-second session of the Sub-Commission and to approve all secretariat facilities for the preparation and servicing of the event.

69. At its fifty-sixth session, the Commission on Human Rights, in its decision 2000/107, endorsed the holding of a Social Forum during the fifty-second session of the Sub-Commission and, recalling its resolution 1999/53, decided that the Sub-Commission should further review during its fifty-second session, in the light of the developments in the work of the Sub-Commission, its proposal to hold a forum on economic, social and cultural rights.

The right to adequate food and to be free from hunger

70. In its decision 1997/108, the Sub-Commission decided to request Mr. Asbjørn Eide to review and update his study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2) and to submit the updated study to the Sub-Commission at its fiftieth session.

71. At its fiftieth session, the Sub-Commission had before it the updated report prepared by Mr. Eide. In its decision 1998/106, the Sub-Commission decided to request Mr. Eide to complete the review and update of the report on the right to food and to submit the final version of the updated study to the Sub-Commission at its fifty-first session.

72. At its fifty-first session, the Sub-Commission had before it the updated study prepared by Mr. Eide (E/CN.4/Sub.2/1999/12). In its resolution 1999/12, the Sub-Commission requested the Commission on Human Rights to endorse the conclusions and recommendations contained in the updated study and expressed the wish that the updated study be published by the United Nations in all the official languages and widely distributed.

73. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/10, took note with interest of the updated study submitted by Mr. Eide to the Sub-Commission (E/CN.4/Sub.2/1999/12). In the same resolution, the Commission decided, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur, whose mandate would focus on the right to food.

Promotion of the realization of the right to drinking water supply and sanitation services

74. In its resolution 1997/18, the Sub-Commission decided to entrust to Mr. El Hadji Guissé the task of drafting a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services.

75. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Guissé (E/CN.4/Sub.2/1998/7). In its resolution 1998/7, the Sub-Commission decided to appoint Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at both the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means to reinforce activities in that field.

76. At its fifty-fifth session, the Commission on Human Rights, in its decision 1999/108, noted that the issue of the right of individuals to drinking water supply and sanitation services remained undefined and therefore decided to request the Sub-Commission to give further consideration to that aspect in preparation for a study on the realization and promotion of that right.

77. At its fifty-first session, the Sub-Commission, in its decision 1999/107 decided to request Mr. Guissé to supplement his working paper, without financial implications, and to submit it to the Sub-Commission at its fifty-second session.

78. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Guissé (E/CN.4/Sub.2/2000/16).

Housing and property restitution in the context of the return of refugees and internally displaced persons

79. At its fifty-first session, the Sub-Commission, in its decision 1999/108, recalling its resolution 1998/26 on housing and property restitution in the context of the return of refugees and internally displaced persons and considering this subject to be of increasing importance, decided to continue its consideration of this question at its fifty-second session and to recommend that the Commission on Human Rights request the Secretary-General to transmit Sub-Commission resolution 1998/26 to States, the Representative of the Secretary-General on internally displaced persons, the United Nations High Commissioner for Refugees, intergovernmental organizations and non-governmental organizations for their comments.

80. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/53, requested the Secretary-General to disseminate resolution 1998/26 of the Sub-Commission.

Sub-item (a) The international economic order and the promotion of human rights

81. The Sub-Commission at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to its agenda an item entitled "The new international economic order and the promotion of human rights". In its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. In its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis. No decision has been adopted under this item by the Sub-Commission since its forty-first session.

Sub-item (b) The realization of the right to development

82. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it decided to continue consideration of questions relating to the realization of the right to development as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights", so as to enable the members of the Sub-Commission to contribute to the consideration by the Commission on Human Rights of the promotion of the realization of the right to development. The Sub-Commission requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade.

83. At its fifty-first session, the Sub-Commission, in its resolution 1999/9, once again requested the Secretary-General to transmit annually to the Sub-Commission the information received from all relevant United Nations bodies and agencies.

84. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/2000/14 and Add.1.

Sub-item (c) The question of transnational corporations

85. At its forty-sixth session, the Sub-Commission, in its resolution 1994/37, requested the Secretary-General to prepare a background document examining the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations.

86. At its forty-seventh session, the Sub-Commission, in its resolution 1995/31, endorsed the background document of the Secretary-General as requested in its resolution 1994/37 (E/CN.4/Sub.2/1995/11). It also requested the Secretary-General to prepare a report on the impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject-matter.

87. At its forty-eighth session, the Sub-Commission, in its resolution 1996/39, endorsed the report of the Secretary-General on the subject submitted in accordance with its resolution 1995/31 (E/CN.4/Sub.2/1996/12).

88. At its forty-ninth session in its resolution 1997/11, the Sub-Commission decided to entrust Mr. El Hadji Guissé with the task of preparing a background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission to the Sub-Commission at its fiftieth session.

89. At its fiftieth session, the Sub-Commission had before it the background document prepared by Mr. Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, taking into account the principle of equitable geographical distribution, to examine the working methods and activities of transnational corporations, with the following mandate:

(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;

(b) To examine, receive and gather information, including any working paper submitted by a member of the Sub-Commission, on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(c) To analyse the compatibility of the various international human rights instruments with the various investment agreements, regional as well as international, including, in particular, the Multilateral Agreement on Investment;

(d) To make recommendations and proposals relating to the methods of work and activities of transnational corporations in order to ensure that such methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and the right to development as well as of civil and political rights;

(e) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;

(f) To consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights, of all persons within their jurisdiction.

90. At its fifty-first session, the Sub-Commission had before it the report of the sessional working group on the working methods and activities of transnational corporations on its first session (E/CN.4/Sub.2/1999/9).

91. The report of the sessional working group to the fifty-second session of the Sub-Commission will be issued as document E/CN.4/Sub.2/2000/12.

Sub-item (d) The realization of the right to education, including education in human rights

92. In its resolution 1997/7, the Sub-Commission decided to place the question of the right to education, and particularly human rights education, on its agenda for the duration of the

United Nations Decade for Human Rights Education (1995-2004). The Sub-Commission requested Mr. Mustapha Mehedi to prepare a working paper on the right to education, and particularly human rights education, for submission to the Sub-Commission at its fiftieth session.

93. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Mehedi (E/CN.4/Sub.2/1998/10). In its resolution 1998/11, the Sub-Commission requested Mr. Mehedi to prepare a more detailed working paper on the right to education, including human rights education, for submission to the Sub-Commission at its fifty-first session, the purpose of the working paper being to explain the content of the right to education, taking account, in particular, of its social dimension and the freedoms it includes and of its dual civil and political rights and economic, social and cultural rights character, and to identify ways and means of promoting human rights education.

94. At its fifty-first session, the Sub-Commission had before it the working paper on the content of the right to education prepared by Mr. Mehedi (E/CN.4/Sub.2/1999/10). In its resolution 1999/11, the Sub-Commission decided to continue its consideration of the question and to request Mr. Mehedi to prepare, without financial obligations, a final paper and to submit it to the Sub-Commission at its fifty-second session.

95. At the present session, the Sub-Commission will have before it the final working paper prepared by Mr. Mehedi (E/CN.4/Sub.2/1999/15).

Other matters

96. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolutions 54/161, entitled "United Nations Decade for Human Rights Education, 1995-2004"; 54/165 entitled "Globalization and its impact on the full enjoyment of all human rights"; and 54/175, entitled "The right to development".

97. The Sub-Commission may also wish to note the following resolutions and decisions adopted by the Commission at its fifty-sixth session:

Resolutions

2000/5	The right to development
2000/9	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
2000/10	The right to food
2000/11	Human rights and unilateral coercive measures
2000/12	Human rights and extreme poverty

2000/13 Women's equal ownership of, access to and control over land and the equal rights to own property and adequate housing

2000/72 Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

2000/82 Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

Decisions

2000/102 Globalization and its impact on the full enjoyment of all human rights

2000/107 The Social Forum

Item 5. The implementation of human rights with regard to women

98. At its thirty-seventh session, in 1984, the Sub-Commission decided to include in its agenda a sub-item on the prevention of discrimination and protection of women. At its forty-sixth session, in decision 1994/101, the Sub-Commission decided to delete from its agenda the sub-item entitled "Prevention of discrimination and protection of women" and to insert a new agenda item, entitled "Prevention of discrimination against women". Subsequently, in its resolution 1994/43, the Sub-Commission decided to replace the title of the item by "The implementation of the human rights of women".

99. At its forty-seventh session, in its resolution 1995/26 the Sub-Commission decided to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission.

100. At its forty-ninth session, in resolution 1997/9, the Sub-Commission requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

101. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/46, requested all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to include in their reports information on and qualitative analysis of human rights of women and girls, and encouraged the strengthening of cooperation and coordination in that regard. The Commission urged the use of gender-inclusive language in

the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms.

Situation of women and girls in Afghanistan

102. At its fifty-first session, the Sub-Commission, in its resolution 1999/14, requested the Secretary-General to continue to make available all the information that could be compiled on this question and decided to continue consideration of the question at its fifty-second session under the same agenda item.

103. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2000/18).

Sub-item (a) Traditional practices affecting the health of women and the girl child

104. The Sub-Commission, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42).

105. The Sub-Commission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. The Special Rapporteur subsequently submitted to the Sub-Commission, at its forty-first and forty-third sessions, her preliminary and final reports contained, respectively, in documents E/CN.4/Sub.2/1989/42 and Add.1 and E/CN.4/Sub.2/1991/6.

106. At its forty-third session, the Sub-Commission also had before it the report of the regional seminar on that subject held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48).

107. At its forty-sixth session the Sub-Commission, in its resolution 1994/30, having taken note of the report of the regional seminar held in Sri Lanka from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10 and Corr.1), adopted the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

108. The Commission on Human Rights, at its fifty-first session, in its decision 1995/112, endorsed the recommendation contained in Sub-Commission resolution 1994/30, to extend the mandate of the Special Rapporteur for two more years.

109. At its forty-seventh and forty-eighth sessions, the Sub-Commission had before it, respectively, the preliminary (E/CN.4/Sub.2/1995/6) and the final report of the Special Rapporteur (E/CN.4/Sub.2/1996/6). In its resolution 1996/19, the Sub-Commission decided to extend the mandate of the Special Rapporteur for a further two years. This decision was endorsed by the Commission on Human Rights in its decision 1997/108.

110. At its forty-ninth and fiftieth sessions, the Sub-Commission had before it, respectively, the progress report (E/CN.4/Sub.2/1997/10 and Add.1) and the second report prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/11). In its resolution 1998/16, the Sub-Commission recommended that the mandate of the Special Rapporteur be extended to ensure the completion of her task as called for in its resolution 1996/19 and at the same time to enable her to follow up recent developments at all levels, including the General Assembly. The Special Rapporteur was requested to submit her report on the follow-up to the implementation of the Plan of Action to the Sub-Commission at its fifty-first session.

111. At its fifty-first session, the Sub-Commission had before it the third report of the Special Rapporteur (E/CN.4/Sub.2/1999/14). In its resolution 1999/13, the Sub-Commission shared the concerns of the Special Rapporteur about the absence of information on harmful traditional practices, in particular practices other than female genital mutilation, and on measures taken to eradicate them. The Sub-Commission decided to continue consideration of the question at its fifty-second session, under the same agenda item.

112. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/85, took note of Sub-Commission resolution 1999/13 and urged the Office of the United Nations High Commissioner for Human Rights to provide administrative assistance to the Special Rapporteur on traditional practices affecting the health of women and the girl child of the Sub-Commission to enable her to proceed with her work.

113. At the present session, the Sub-Commission will have before it the report of the Special Rapporteur (E/CN.4/Sub.2/2000/17).

Sub-item (b) The role and equal participation of women in development

114. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

115. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

Women and the right to development

116. At its fifty-first session, the Sub-Commission, in its resolution 1999/15, invited the Secretary-General to continue to provide all available information on women and the right to development.

117. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2000/19).

Other matters

118. In connection with the present agenda item, the attention of the Sub-Commission is drawn to General Assembly resolutions 54/133, entitled "Traditionary or customary practices affecting the health of women and girls", 54/134, entitled "International Day for the Elimination of Violence against Women", 54/137, entitled "Convention on the Elimination of All Forms of Discrimination against Women", 54/138, entitled "Violence against women migrant workers", 54/141, entitled "Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action", 54/142, entitled "Preparations for the special session of the General Assembly entitled 'Women 2000: gender equality, development and peace for the twenty-first century'".

119. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the Commission on Human Rights at its fifty-sixth session:

2000/13	Women's equal ownership of, access to and control over land and the equal rights to own property and adequate housing
2000/44	Traffic in women and girls
2000/45	Elimination of violence against women
2000/46	Integrating the human rights of women throughout the United Nations system

Item 6. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

120. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

121. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to

establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

122. At each session, the Working Group reviews information received on the status and the implementation of conventions on slavery and slavery-like practices, reviews developments in other fields of contemporary forms of slavery and considers the recommendations adopted at previous sessions. In its resolution 1989/41, the Sub-Commission decided to consider those matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

123. At its fifty-first session, in its resolution 1999/17 on the report of the Working Group on Contemporary Forms of Slavery, the Sub-Commission addressed the issues of the traffic in persons and exploitation of the prostitution of others (part I), prevention of the transborder traffic in children in all its forms (part II), the role of corruption in the perpetuation of slavery and slavery-like practices (part III), misuse of the Internet for the purpose of sexual exploitation (part IV), implementation of the conventions on slavery (part V), migrant workers (part VI), child domestic workers (part VII), child labour - a gender perspective (part VIII), eradication of bonded labour and elimination of child labour (part IX), sale of children, child prostitution and child pornography (part X) and miscellaneous questions (part XI).

124. In the same resolution, the Sub-Commission expressed its appreciation to Mr. David Weissbrodt and Anti-Slavery International for their working paper containing a consolidation and review of the conventions on slavery and for the executive summary of that paper (E/CN.4/Sub.2/AC.2/1999/6) and invited the authors of the review of international standards to update the review and submit it to the Sub-Commission for its consideration and eventual transmission to the Commission.

125. At the present session, the Sub-Commission will have before it a working paper prepared by Mr. Weissbrodt and Anti-Slavery International containing an updated review of the implementation of and follow-up to the conventions on slavery (E/CN.4/Sub.2/2000/3 and Add.1).

126. The Sub-Commission will also have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-fifth session (E/CN.4/Sub.2/2000/23), held from 14 to 23 June 2000.

127. The Sub-Commission may wish to note that, pursuant to a draft decision recommended by the Commission on Human Rights for adoption by the Economic and Social Council (see Commission decision 2000/109), the duration of the annual meeting of the Working Group on Contemporary Forms of Slavery will be reduced to five working days from the present eight days.

Exploitation of child labour

128. At its forty-ninth session, the Commission, in resolution 1993/79, adopted the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission and requested all States periodically to report to the Sub-Commission on measures adopted to implement the Programme of Action and on the effectiveness of such measures. The Sub-Commission was requested to submit to the Commission every two years a progress report on the implementation of the Programme of Action by all States. The Commission decided to consider the question of the implementation of the Programme of Action every two years in order to evaluate the progress made in eliminating the exploitation of child labour.

129. At its fifty-first session, the Sub-Commission, in its resolution 1999/17, requested the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Elimination of the Exploitation of Child Labour and to report to the Sub-Commission and to the Commission at their next sessions (para. 43).

130. At its present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2000/22).

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

131. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

132. At its fifty-first session, the Sub-Commission, in its resolution 1999/18, inter alia, noted with satisfaction the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery; urged all Governments, non-governmental organizations, other private and public entities and

individuals to contribute annually to the Fund in order to enable the Fund to fulfil its mandate effectively; and decided to continue to examine the situation and the activities of the Trust Fund at its fifty-second session.

Slavery and slavery-like practices during wartime

133. At its forty-sixth session, in its decision 1994/109, the Sub-Commission decided to invite Ms. Linda Chavez to submit a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal conflict. At its forty-seventh session, the Sub-Commission had before it the working paper prepared by Ms. Chavez (E/CN.4/Sub.2/1995/38).

134. In its decision 1996/107, the Commission on Human Rights endorsed the decision of the Sub-Commission (resolution 1995/14) to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

135. At its forty-eighth session, the Sub-Commission had before it the preliminary report of Ms. Linda Chavez (E/CN.4/Sub.2/1996/26).

136. At its forty-ninth session, the Sub-Commission had before it a note by the Secretariat (E/CN.4/Sub.2/1997/12) informing the Sub-Commission of the resignation of Ms. Chavez as Special Rapporteur. In its decision 1997/114, the Sub-Commission decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

137. At its fiftieth session, the Sub-Commission had before it the final report on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict prepared by Ms. McDougall (E/CN.4/Sub.2/1998/13). In its resolution 1998/18, the Sub-Commission recommended that the final report of the Special Rapporteur be published by the United Nations in all the official languages and widely distributed by the Office of the United Nations High Commissioner for Human Rights. The Sub-Commission requested that the Special Rapporteur's mandate be extended for a further year and that Ms. McDougall, as Special Rapporteur, submit an update on recent developments with respect to her mandate to the Sub-Commission at its fifty-first session. In its decision 1999/105, the Commission on Human Rights approved the above requests of the Sub-Commission.

138. At its fifty-first session, the Sub-Commission, in its resolution 1999/16, having welcomed the updated information provided orally by the Special Rapporteur, requested her to submit to the Sub-Commission at its fifty-second session a report containing the updated information presented at its fifty-first session, with a view to wide distribution of the entire study in all the official languages, including to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and the Assembly of States Parties of the International Criminal Court.

139. In the same resolution, the Sub-Commission called upon the High Commissioner for Human Rights to monitor the implementation of the resolution and to submit a report to the Sub-Commission at its fifty-second session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status of the recommendations made by the Special Rapporteur.

140. At the present session, the Sub-Commission will have before it the update to the final report of the Special Rapporteur (E/CN.4/Sub.2/2000/21). The Sub-Commission will also have before it the report of the High Commissioner (E/CN.4/Sub.2/2000/20).

Item 7. Human rights of indigenous peoples

Working Group on Indigenous Populations

141. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martinez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

142. The Working Group on Indigenous Populations held 17 sessions prior to 2000. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.1, E/CN.4/Sub.2/1988/24 and Add.1-2, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1, E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2, E/CN.4/Sub.2/1994/30, E/CN.4/Sub.2/1995/24, E/CN.4/Sub.2/1996/21 and Corr.1, E/CN.4/Sub.2/1997/14, E/CN.4/Sub.2/1998/16, E/CN.4/Sub.2/1999/19) to the Sub-Commission. These reports were also made available to the Commission.

143. At its fifty-first session, the Sub-Commission, in its resolution 1999/20, requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for eight working days prior to the fifty-second session of the Sub-Commission. The Commission on Human Rights, in its resolution 2000/56, recommended that the Economic and Social Council authorize the Working Group to meet for five working days prior to the fifty-second session of the Sub-Commission.

144. At the present session, the Sub-Commission will have before it the report of the Working Group on its eighteenth session, (E/CN.4/Sub.2/2000/24) scheduled to meet from 24 to 28 July 2000.

International Decade of the World's Indigenous People

145. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994.

146. The General Assembly, in its resolution 49/214, decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

147. At its fifty-first session, the Sub-Commission adopted resolution 1999/19, entitled "International Decade of the World's Indigenous People". The attention of the Sub-Commission is also drawn to General Assembly resolution 54/150 entitled "International Decade of the World's Indigenous People" and to Commission on Human Rights resolution 2000/56 (part II).

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

148. In its resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martinez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned.

149. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martinez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations.

150. In its resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/24/Add.1, annex III). The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martinez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

151. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group on Indigenous Populations and the Sub-Commission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Sub-Commission at its forty-third session.

152. At its forty-fourth session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32). In its decision 1992/110, the Sub-Commission

requested the Special Rapporteur to submit a second progress report on the study to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session.

153. At its forty-seventh session, the Sub-Commission had before it the second progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/27). In its decision 1995/118, the Sub-Commission requested the Special Rapporteur to submit a third progress report to the Working Group on Indigenous Populations at its fourteenth session and to the Sub-Commission at its forty-eighth session.

154. At its forty-eighth session, the Sub-Commission had before it the third progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/23). In its decision 1996/118, the Sub-Commission requested the Special Rapporteur to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session.

155. At its forty-ninth session, the Sub-Commission, in its decision 1997/110, decided to take note of the Special Rapporteur's explanation of the reasons for not submitting his final report at that session, urged him to submit his final report in due time so as to allow it to be discussed by the Working Group at its sixteenth session and by the Sub-Commission at its fiftieth session.

156. At its fiftieth session, the Sub-Commission, in its decision 1998/107, considering that the late submission by the Special Rapporteur of his final report on the study allowed only limited discussion of his report during the 1998 sessions of the Working Group on Indigenous Populations and the Sub-Commission, decided to request the Special Rapporteur to submit, not later than 31 March 1999 and in order for further discussions on his final report to take place during the Working Group's seventeenth session and the Sub-Commission's fifty-first session, a new version of his final report.

157. At its fifty-first session, the Sub-Commission, in its resolution 1999/22, took note with appreciation of the final report submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez, of his study on treaties, agreements and other constructive arrangements between States and indigenous populations (E/CN.4/Sub.2/1999/20) and extended its recognition to the Special Rapporteur for having thoroughly fulfilled his mandate after 10 years of intense work.

Protection of the heritage of indigenous people

158. At its forty-second session, the Sub-Commission, in resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples.

159. At its forty-third session, the Sub-Commission had before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34). In its resolution 1991/32, the Sub-Commission decided to entrust Ms. Daes with the further task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Ms. Daes was appointed Special Rapporteur to prepare a study on this issue.

160. At its forty-fifth session, the Sub-Commission had before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28). In its resolution 1993/44, the Sub-Commission endorsed the conclusions and recommendations contained in the report, and requested the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous peoples.

161. In its decision 1994/274 of 25 July 1994, the Economic and Social Council authorized the Special Rapporteur to update and expand the study and approved the new title of the study: "Protection of the heritage of indigenous people".

162. At its forty-sixth session, the Sub-Commission had before it the preliminary report (E/CN.4/Sub.2/1994/31), as well as proposed principles and guidelines prepared by the Special Rapporteur, annexed to the report.

163. At its forty-seventh session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/26). In its resolution 1995/40, the Sub-Commission requested the Special Rapporteur to prepare a supplementary report. At its forty-eighth session, the Sub-Commission had before it the supplementary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/22). Pursuant to Sub-Commission resolution 1996/37, the High Commissioner/Centre for Human Rights organized, on 6 and 7 March 1997, a technical meeting of representatives of the United Nations agencies. The report of the technical meeting was issued as document E/CN.4/Sub.2/1997/15.

164. Pursuant to Commission on Human Rights decision 1997/112, approved by ECOSOC decision 1997/287, Ms. Daes was entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in those efforts.

165. Pursuant to Sub-Commission resolution 1997/13, a seminar was convened on the draft principles and guidelines for the protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31, annex) with the participation of the Special Rapporteur and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons. The seminar was held in Geneva from 28 February to 1 March 2000. The report of the seminar was issued as document E/CN.4/Sub.2/2000/26.

Permanent forum for indigenous people

166. In its resolution 48/163, the General Assembly requested the Commission on Human Rights to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system. In its resolution 1994/28, the Commission requested the Working Group on Indigenous populations to consider the question and submit its suggestions, through the Sub-Commission, to the Commission.

167. Upon the recommendation of the Sub-Commission (resolution 1994/50), as endorsed by the Commission on Human Rights (resolution 1995/30), a workshop on a possible permanent forum for indigenous people was organized in Copenhagen from 26 to 28 June 1995. The report of the workshop was issued as document E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3.

168. Following the recommendations of the General Assembly (resolution 50/157), the Sub-Commission (resolution 1996/35) and the Commission on Human Rights (resolution 1997/30), a second workshop on a possible permanent forum for indigenous people within the United Nations system was held in Santiago de Chile from 20 June to 2 July 1997.

169. Having taken note of the report of the second workshop (E/CN.4/1998/11 and Add.1-2) and of the recommendations of the General Assembly in its resolution 52/108, the Commission on Human Rights, in its resolution 1998/20, decided to establish an open-ended inter-sessional ad hoc working group to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system.

170. At its fifty-fifth and fifty-sixth sessions, the Commission on Human Rights had before it the reports of the ad hoc working group (E/CN.4/1999/83) and E/CN.4/2000/86, respectively). In its resolution 2000/87, the Commission on Human Rights recommended to the Economic and Social Council for adoption a resolution establishing, as a subsidiary body of the Council, a permanent forum on indigenous issues, which shall serve as an advisory body to the Council with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights. The resolution provides that, once the Permanent Forum has been established and has held its first annual session, the Council will review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

United Nations Voluntary Fund for Indigenous Populations

171. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The General Assembly, in its resolution 50/156, decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established by the Commission in its resolution 1995/32. In its resolution 53/130, the General Assembly decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional ad hoc working group of the Commission on Human Rights established by the Commission in its resolution 1998/20 to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people

within the United Nations system. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its thirteenth session from 10 to 12 April 2000.

Sub-item (a) Indigenous peoples and their relationship to land

172. At its forty-eighth session, the Sub-Commission, in its resolution 1996/38, recommended that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights, which would, inter alia, provide: (a) a detailed and updated account of the status of efforts to secure indigenous land rights and of the problems that continue to exist in this regard; and (b) a catalogue of existing national laws, policies and procedures concerning indigenous land rights.

173. At its fifty-third session, the Commission on Human Rights, in its decision 1997/114, approved the appointment of Ms. Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard.

174. At its forty-ninth session, the Sub-Commission had before it the preliminary working paper prepared by Ms. Daes (E/CN.4/Sub.2/1997/17).

175. At its fiftieth session, the Sub-Commission had before it a progress report on the working paper, prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/15). In its resolution 1998/21, the Sub-Commission requested the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its seventeenth session and to the Sub-Commission at its fifty-first session.

176. At its fifty-first session, the Sub-Commission, in its resolution 1991/21, having considered the second progress report on the working paper on indigenous peoples and their relationship to land submitted by the Special Rapporteur (E/CN.4/Sub.2/1999/18), requested the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its eighteenth session and to the Sub-Commission for its consideration at its fifty-second session.

177. At the present session, the Sub-Commission will have before it the final working paper prepared by Ms. Daes (E/CN.4/Sub.2/2000/25).

Other matters

178. In discussing this item, the Sub-Commission may also wish to take into account the reports of the first, second, third, fourth and fifth sessions of the working group established in accordance with Commission on Human Rights resolution 1995/32 (E/CN.4/1996/84, E/CN.4/1997/102, E/CN.4/1998/106 and Corr.1, E/CN.4/1999/82 and E/CN.4/2000/84).

The working group was established for the sole purpose of elaborating a draft declaration, considering the "Draft United Nations declaration on the rights of indigenous peoples" as adopted by the Sub-Commission in its resolution 1994/45.

179. The attention of the Sub-Commission is also drawn to the following resolutions and decisions adopted by the Commission at its fifty-sixth session:

Resolutions

2000/56	Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People
2000/57	Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994
2000/87	Establishment of a permanent forum on indigenous issues

Decisions

2000/105	Postponement of consideration of draft resolution E/CN.4/2000/L.63 (entitled "Human rights and indigenous affairs")
2000/106	Study on indigenous land rights

Item 8. Prevention of discrimination against and the protection of minorities

180. At its forty-first session, the Sub-Commission, in its resolution 1989/44, having examined the working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities (E/CN 4/Sub.2/1989/43) prepared by Ms. Claire Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider those issues at its future sessions under a separate agenda item.

181. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

182. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Sub-Commission, in its resolution 1993/43, entrusted Mr. Eide with the task of preparing a working paper containing suggestions for a programme for the prevention of discrimination and protection of minorities. At its forty-sixth session, the Sub-Commission had before it the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1).

183. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

184. The Working Group on Minorities held five sessions prior to 2000. It submitted detailed reports (E/CN.4/Sub.2/1996/2, E/CN.4/Sub.2/1996/28, E/CN.4/Sub.2/1997/18, E/CN.4/Sub.2/1998/18 and E/CN.4/Sub.2/1999/21) to the Sub-Commission. These reports were also made available to the Commission on Human Rights.

185. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

186. At its fifty-first session, the Sub-Commission, in its resolution 1999/23, endorsed the conclusions and recommendations of the Working Group on Minorities on its fifth session as contained in its report (E/CN.4/Sub.2/1999/21). The Sub-Commission decided to entrust Ms. Erika-Irene Daes and Mr. Asbjørn Eide with the preparation of a working paper, without financial implications, on the relationship and distinction between the rights of persons belonging to minorities and those of indigenous peoples, for submission to the next sessions of the Working Group on Minorities and the Working Group on Indigenous Populations and to the Sub-Commission at its fifty-second session.

187. At the present session, the Sub-Commission will have before it the report of the Working Group on its sixth session (E/CN.4/Sub.2/2000/27), which was held from 22 to 26 May 2000. The Sub-Commission will also have before it the working paper prepared by Ms. Daes and Mr. Eide (E/CN.4/Sub.2/2000/10).

The human rights problems and protections of the Roma

188. At its fifty-first session, the Sub-Commission, in its decision 1999/109, noting the issues raised in the working paper on the rights of non-citizens (E/CN.4/Sub.2/1999/7 and Add.1), submitted by Mr. Weissbrodt, as well as the discussion under agenda items 3 and 8, decided to entrust Mr. Sik Yuen with the task of preparing a working paper, without financial implications, on the human rights problems and protections of the Roma, for submission to the Working

Group on Minorities at its sixth session and to the Sub-Commission at its fifty-second session, in order to enable the Sub-Commission to take a decision at that session on the feasibility of a study on the subject.

189. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28).

Other matters

190. With regard to the issues under this item, the attention of the Sub-Commission is drawn to General Assembly resolution 54/162, entitled "Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities". The attention of the Sub-Commission is also drawn to Commission on Human Rights resolutions 2000/52, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities", and 2000/50, entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights".

Item 9. The administration of justice and human rights

Sessional working group on the administration of justice

191. At its thirty-fourth (1981) and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons. At its forty-sixth session, the Sub-Commission decided, in its decision 1994/104, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. From 1997, the question of compensation was no longer in the title of the working group.

192. At its fifty-first session, the Sub-Commission, in its decision 2000/103, decided not to establish a sessional working group on the administration of justice at its fifty-first session and to consider the matter again at its next session.

Draft international convention on the protection of all persons from enforced disappearance

193. At its fifty-first session, the Sub-Commission, in its resolution 1999/24, decided to consider the question of the draft international convention on the protection of all persons from enforced disappearance under the same agenda item at its fifty-second session.

194. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/37, encouraged its Working Group on Enforced or Involuntary Disappearances to formulate comments on the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25). The Commission requested the Secretary-General to ensure the wide dissemination of the draft international convention , asking States, international organizations and non-governmental organizations to submit their views and comments, as a matter of high

priority, on the draft international convention, on the follow-up thereto, and in particular, on whether an inter-sessional working group should be set up to consider the draft international convention.

Sub-item (a) Question of human rights and states of emergency

195. At its thirty-fifth session, the Sub-Commission had before it the final report on the implications for human rights of states of siege or emergency (E/CN.4/Sub.2/1982/15) prepared by the Special Rapporteur, Ms. Nicole Questiaux.

196. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency.

197. The Special Rapporteur, Mr. Leandro Despouy, presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1; E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1; E/CN.4/Sub.2/1996/19 and Corr.1 and Add.1; E/CN.4/Sub.2/1997/19 and Add.1).

198. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were contained in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

199. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/108, noting Sub-Commission resolution 1997/27, decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session and every second year thereafter, a list of States in which a state of emergency had been proclaimed or was continued during the reporting period.

200. At its fifty-first session, the Sub-Commission had before it the report of the Office of the High Commissioner (E/CN.4/Sub.2/1999/31).

Sub-item (b) Application of international standards concerning the human rights of detained juveniles

201. In its resolution 1989/31, the Sub-Commission requested the Secretary-General to update the report of the Secretary-General on the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30). In addition, it decided to appoint Mrs. Maria Concepción Bautista to prepare a report on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment. At its forty-second session, the Sub-Commission, had before it the reports of the Secretary-General (E/CN.4/Sub.2/1990/25 and Add.1-2 and E/CN.4/Sub.2/1990/26 and Add.1-2). The Special Rapporteur submitted her report (E/CN.4/Sub.2/1991/24) as well as a note containing a study prepared by Defence for Children International (E/CN.4/Sub.2/1991/50) to the Sub-Commission at its forty-third session.

202. At its forty-fourth session, the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/20) and a note by the Secretary-General (E/CN.4/Sub.2/1992/20/Add.1) containing a proposal to organize a meeting of experts on the application of international standards concerning the human rights of detained juveniles.

203. The expert group meeting on children and juveniles in detention was held at Vienna from 30 October to 4 November 1994. At its forty-seventh session, the Sub-Commission had before it the report of the Secretary-General on this meeting (E/CN.4/1995/100). The Sub-Commission also had before it a note by the Secretary-General on the situation of children deprived of their liberty (E/CN.4/Sub.2/1995/30).

204. In connection with this sub-item, the Sub-Commission may wish to note part IV (Protection and promotion of the rights of children in particularly vulnerable situations: children alleged to have or recognized as having infringed the penal law) of resolution 2000/85 adopted by the Commission on Human Rights at its fifty-sixth session.

Sub-item (c) Gross and massive violations of human rights as an international crime

205. At its forty-fifth session, the Sub-Commission had before it a working paper on the definition of gross and large-scale violations of human rights as an international crime prepared by Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1993/10 and Corr.1).

206. In its resolutions 1993/30, 1994/28 and 1995/22, the Sub-Commission decided to recommend that the Commission on Human Rights appoint Mr. Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime".

207. The Commission on Human Rights, in its decisions 1994/103 and 1995/111, requested the Sub-Commission to reconsider its recommendation. In its decision 1996/105, the Commission on Human Rights, bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid

unnecessary duplication, decided to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime.

208. At its forty-eighth session, the Sub-Commission, in its decision 1996/116, believing that an expanded working paper on the subject would contribute to a better understanding of the subject and would not interfere with the work of other United Nations bodies, decided to request Mr. Chernichenko to prepare an expanded working paper to be entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of the Governments or sanctioned by them as an international crime".

209. At its forty-ninth session, the Sub-Commission had before it the expanded working paper prepared by Mr. Chernichenko (E/CN.4/Sub.2/1997/29). In its decision 1997/116, the Sub-Commission decided to request the sessional working group on the administration of justice to continue its consideration of the expanded working paper prepared by Mr. Chernichenko and for that purpose to transmit the working paper, through the Secretary-General, to the International Law Commission, so that the Commission's comments might be considered at the next session of the working group.

210. At its fiftieth session, the Sub-Commission, in its decision 1998/110, having noted that the issue of the recognition of gross and massive violations of human rights as an international crime was being addressed by the International Law Commission and in the Statute of the International Criminal Court, decided to take note of the decision of its sessional working group on the administration of justice to delete the item of its agenda entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", in order to avoid duplication with the work undertaken by other bodies.

Sub-item (d) Juvenile justice

211. At its forty-ninth session, the Sub-Commission, in its resolution 1997/25, decided to request Ms. Lucy Gwanmesia to prepare, without financial implications, a detailed working paper on juvenile justice to be submitted to the Sub-Commission at its fiftieth session.

212. During the election of members of the Sub-Commission held at the fifty-fourth session of the Commission on Human Rights, Ms. Gwanmesia was not re-elected.

213. At its fiftieth session, in its decision 1998/110, the Sub-Commission decided to take note of the decision of its working group on the administration of justice, pursuant to Commission resolution 1998/28, to delete the item of its agenda entitled "Juvenile justice", in order to avoid duplication with the work undertaken by other bodies.

Sub-item (e) Privatization of prisons

214. At its forty-first session, in decision 1989/110, the Sub-Commission requested Mr. Miguel Alfonso Martinez to prepare a working paper containing proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons.

215. At its forty-third, forty-fourth and forty-fifth sessions, the Sub-Commission had before it, respectively, the working paper submitted by Mr. Alfonso Martinez (E/CN.4/Sub.2/1991/56), a working paper submitted by the Secretary-General (E/CN.4/Sub.2/1992/21) and an outline prepared by Ms. Palley (E/CN.4/Sub.2/1993/21). In its decision 1993/109, the Sub-Commission requested the Commission on Human Rights to authorize it to appoint one of its members to undertake a special study.

216. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any determination on those studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission.

217. No decision was taken by the Sub-Commission on this issue at its forty-sixth to forty-eighth sessions.

218. At its forty-ninth session, the Sub-Commission, in its resolution 1997/26, decided to request its parent bodies to authorize it to appoint Mr. Ali Khan as special rapporteur in order to undertake an in-depth study on all issues relating to the privatization of prisons, including the obligation to respect and implement the legislation in force in the country concerned and the possible civil responsibility of enterprises managing private prisons and their employees.

219. At its fifty-fourth session, the Commission on Human Rights, in its resolution 1998/32, requested the Sub-Commission to reconsider its recommendation to appoint a Special Rapporteur on the privatization of prisons.

Sub-item (f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

220. In its resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who has been convicted. The Sub-Commission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, paras. 235-237), but no action was taken.

Other matters

221. In connection with this item, the attention of the Sub-Commission is drawn to General Assembly resolution 54/163, entitled "Human rights in the administration of justice". The Sub-Commission may also wish to note the following resolutions adopted by the Commission at its fifty-sixth session:

2000/31 Extrajudicial, summary or arbitrary executions

2000/32 Human rights and forensic science

2000/35	Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
2000/36	Question of arbitrary detention
2000/37	Question of enforced or involuntary disappearances
2000/39	Human rights in the administration of justice, in particular juvenile justice
2000/41	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms
2000/42	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
2000/43	Torture and other cruel, inhuman or degrading treatment or punishment
2000/65	The question of the death penalty
2000/68	Impunity

Item 10. Freedom of movement

222. At its forty-fourth session, the Sub-Commission, by its decision 1992/112, decided to include in the provisional agenda of its forty-fifth session an item provisionally entitled "Freedom of movement"

Sub-item (a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution

223. At its fortieth session, in resolution 1988/39, the Sub-Commission, having noted the report (E/CN 4/Sub 2/1988/35 and Add 1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C L C. Mubanga-Chipoya, and the draft declaration on this subject contained in annex I to the report, decided to consider this issue as a separate item of its agenda.

224. At its forty-third session, the Sub-Commission had before it the revised version of the draft declaration (E/CN 4/Sub 2/1991/44) and the report of the sessional Working Group (E/CN 4/Sub 2/1991/45). By its decision 1991/114, the Sub-Commission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

225. No action was taken by the Commission on Human Rights on this issue at its forty-eighth and subsequent sessions.

226. In its resolution 1995/13, the Sub-Commission decided to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return. In its resolution 1996/9, the Sub-Commission decided to continue to study the question of the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return.

227. In its decision 1996/102, the Sub-Commission decided to add a new sub-item, entitled "The right to leave any country, including one's own, and to return to one's own country", to the item of its agenda entitled "Freedom of movement".

228. In its decision 1996/109, the Sub-Commission, mindful of the links between the protection of minorities, prevention of discrimination, population movements and displacements, freedom of movement, the right to leave and to return to one's own country and the right to seek and enjoy asylum, decided to entrust Mr. Volodymyr Boutkevitch with the task of preparing a working paper on the right to freedom of movement and related issues.

229. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mr. Boutkevitch (E/CN.4/Sub.2/1997/22). In its resolution 1997/30, the Sub-Commission decided, since the subject required careful and comprehensive inquiry, to recommend to the Commission on Human Rights and the Economic and Social Council the appointment of Mr. Boutkevitch as special rapporteur with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights.

230. The Commission on Human Rights, in its decision 1998/105, decided to return to the question of the appointment of Mr. Boutkevitch as special rapporteur on the right of everyone to leave any country, including his own, and to return to his country, at its fifty-fifth session, on the basis of a further and extended working paper.

231. No decision was taken by the Sub-Commission on this issue at its fiftieth or fifty-first sessions.

Sub-item (b) Human rights and population displacements

232. At its forty-sixth session, the Sub-Commission by its resolution 1994/24 decided to include, under the agenda item "Freedom of movement", a sub-item relating to questions of displacement entitled "Population displacement".

233. At its forty-seventh session, the Sub-Commission, in its resolution 1995/13, entitled "The right to freedom of movement", requested its Working Group on Minorities to examine, inter alia, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced. The Sub-Commission decided to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement".

Freedom of movement and population transfer

234. In its resolution 1991/28, the Sub-Commission recognized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter, taking into account the working paper submitted by Ms. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and other relevant materials.

235. At its forty-fourth session, in its resolution 1992/28, the Sub-Commission entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements.

236. At its forty-fifth session the Sub-Commission, in resolution 1993/34, endorsed the conclusions and recommendations of the preliminary report (E/CN.4/Sub.2/1993/17 and Corr.1). It expressed its regret that Mr. Hatano was unable to be further involved in the work on this subject as one of the Special Rapporteurs and requested Mr. Al-Khasawneh, as Special Rapporteur, to continue the study.

237. At its forty-eighth session, the Sub-Commission, in its resolution 1996/9, reiterated its request to the Secretary-General that he convene an expert seminar on population transfer. The expert seminar on population transfer was held at Geneva from 17 to 21 February 1997.

238. At its forty-ninth session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/23). In its resolution 1997/29, the Sub-Commission welcomed the final report and the draft declaration on population transfer and the implantation of settlers annexed thereto, as a first step towards defining the standards and legal norms pertaining to population transfer and the freedom of movement. The Sub-Commission decided, in its further work on the right to freedom of movement, to examine the legal standards applicable to different types of forced displacement and any lacunae between those standards. It also decided to convene a further expert seminar to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement. The Sub-Commission further decided to recommend to the Commission on Human Rights that the final report of the Special Rapporteur on human rights and population transfer, Mr. Awn Al-Khasawneh, be published and widely disseminated. This decision was approved by the Commission on Human Rights (decision 1998/106) and by the Economic and Social Council (decision 1998/292).

239. At its fiftieth session, the Sub-Commission, in its resolution 1998/27, decided to convene an expert seminar, in close cooperation with relevant intergovernmental and non-governmental organizations, if necessary without financial implications, to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement, in particular with respect to a study on the legal standards applicable to different types of forced displacement and any lacunae in those standards, for submission to the Sub-Commission at its fifty-second session.

240. In connection with this item the attention of the Sub-Commission is drawn to General Assembly resolution 54/169, entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification", and Commission on Human Rights resolution 2000/53, entitled "Internally displaced persons".

Item 11. Situation regarding the promotion, full realization and protection of the rights of children and youth

241. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

242. At its thirty-eighth session, the Sub-Commission, in its resolution 1985/12, referring, inter alia, to Commission resolution 1985/13, requested Mr. Dumitru Mazilu to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work, in order to facilitate the Sub-Commission's discussion of the topic.

243. At its forty-second session, the Sub-Commission, in resolution 1990/32, having considered the updated report of the Special Rapporteur, decided to request Mr. Mazilu to update and complete his report. The Special Rapporteur submitted his progress report (E/CN.4/Sub.2/1991/42) to the Sub-Commission at its forty-third session and his final report (E/CN.4/Sub.2/1992/36) at its forty-fourth session.

244. At its forty-ninth session, the Sub-Commission placed on its agenda an item entitled "Promotion and protection of human rights of children and youth". In its resolution 1997/32, entitled "Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth", the Sub-Commission decided to continue to review as a separate item of its agenda and with due priority, the situation regarding the promotion, full realization and protection of the rights of children and youth.

245. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/59, adopted the texts of the two draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflicts and on the sale of children, child prostitution and child pornography, and recommended that the two optional protocols, after adoption by the General Assembly, be open for early signature and ratification or accession. Following their approval by the Economic and Social Council, the two Optional Protocols were adopted by consensus by the General Assembly on 25 May 2000.

246. With regard to the issues under this item, the Sub-Commission may also wish to note the following resolutions adopted by the General Assembly at its fifty-fourth session and by the Commission at its fifty-sixth session:

General Assembly

54/148 The girl child

54/149 The rights of the child

Commission on Human Rights

2000/59 Question of draft optional protocols to the Convention on the Rights of the Child on involvement of children in armed conflict and on the sale of children, child prostitution and child pornography

2000/60 Abduction of children from northern Uganda

2000/85 Rights of the child

Item 12. Review of further developments in fields with which the Sub-Commission has been or may be concerned

247. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at the present session, will have before it a note by the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/2000/34).

248. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/2000/30 and E/CN.4/Sub.2/2000/29 respectively.

Promotion of dialogue on human rights issues

249. At its fiftieth session, in its resolution 1999/25, the Sub-Commission inter alia reiterated its commitment to international cooperation in the field of human rights and invited governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights issues on the basis of equality and mutual respect. The Sub-Commission decided to continue its consideration of the question at its fifty-second session.

Reservations to human rights treaties

250. At its fiftieth session, the Sub-Commission, in its decision 1998/113, decided to request Ms. Françoise Jane Hampson to prepare a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations,

their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties, and to submit the working paper at its fifty-first session.

251. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/1999/28 and Corr.1). In its resolution 1999/27, the Sub-Commission took note of the working paper and endorsed the conclusions contained therein, including with regard to the importance of undertaking a full study on the issue of reservations to human rights treaties. The Sub-Commission decided to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission, and of submitting a preliminary report to the Sub-Commission at its fifty-second session, a progress report at its fifty-third session and a final report at its fifty-fourth session.

252. At its fifty-sixth session, the Commission on Human Rights, in its decision 2000/108, decided to request the Sub-Commission to request Ms. Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties further clarifying how this study would complement work already under way on reservations to human rights treaties, in particular by the International Law Commission.

253. At the present session, the Sub-Commission will have before it a working paper prepared by Ms. Hampson (E/CN.4/Sub.2/2000/32).

Human rights in the context of HIV/AIDS

254. At its forty-ninth session, the Sub-Commission adopted resolution 1997/40, in which it inter alia decided to keep the issue of HIV/AIDS-related human rights violations and discrimination under review, and to give consideration to the issue under relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

255. At its fifty-first session, the Sub-Commission, in its decision 1999/112, recalling the Guidelines adopted by the Second International Consultation on HIV/AIDS and Human Rights (E/CN.4/1997/37, annex I) and Sub-Commission resolution 1997/40, in which it decided to keep the issue under review, decided to entrust Mr. Alberto Diaz Uribe with the task of preparing a working paper, without financial implications and in consultation with UNAIDS, the Office of the United Nations High Commissioner for Human Rights, interested non-governmental organizations and other interested parties, on the implementation of the Guidelines and requested him to submit it to the Sub-Commission at its fifty-second session.

256. Mr. Diaz Uribe passed away on 7 December 1999.

Sub-item (a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels

257. In order to streamline its work, the Sub-Commission, at its thirty-sixth session, decided to combine and discuss together various interrelated questions which previously constituted separate items of its agenda. As a result, the present sub-item (a) (i) has been included in the agenda since that session.

Globalization and its impact on the full enjoyment of all human rights

258. At its fifty-first session, the Sub-Commission, in its resolution 1999/29, noted Commission on Human Rights resolution 1999/59, in which the Commission requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session. The Sub-Commission decided to entrust Mr. Joseph Oloka-Onyango with the task of preparing this study, which will be presented to the Commission on Human Rights at its fifty-seventh session in 2001.

259. With regard to this issue, see paragraphs 62 to 65 above.

260. In discussing this sub-item, the Sub-Commission may also wish to take into account the following requests made by the Commission on Human Rights at its fifty-sixth session.

261. In its resolution 2000/47, entitled "Promoting and consolidating democracy", the Commission requested the Office of the United Nations High Commissioner for Human Rights and human rights mechanisms of the Commission and the Sub-Commission to pay due attention, within their mandates, to the content of paragraph 1 of that resolution.

262. In its resolution 2000/62, entitled "Promotion of the right to a democratic and equitable international order", the Commission requested human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights, the mechanisms of the Commission and the Sub-Commission to pay due attention, within their respective mandates, to that resolution and to make contributions towards its implementation.

263. In its resolution 2000/63, entitled "Human rights and human responsibilities", the Commission requested the Sub-Commission to undertake a study on the issue of human rights and human responsibilities and to submit an interim study to the Commission on Human Rights at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session.

264. In its resolution 2000/66, entitled "Towards a culture of peace", the Commission requested the Sub-Commission to take into account and reflect in its deliberations, as

appropriate, the provisions of the Declaration and Programme of Action on a Culture of Peace, as well as the contribution of the promotion, protection and realization of all human rights for the further development of a culture of peace.

265. The attention of the Sub-Commission is also drawn to the following resolutions adopted by the Commission on Human rights at its fifty-sixth session:

2000/61	Human rights defenders
2000/64	The role of good governance in the promotion of human rights
2000/69	Fundamental standards of humanity
2000/70	Enhancement of international cooperation in the field of human rights
2000/74	Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region
2000/75	Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights
2000/76	National institutions for the promotion and protection of human rights
2000/80	Advisory services and technical cooperation in the field of human rights

Sub-item (a) (ii) Elimination of all forms of intolerance and of discrimination based on religion or belief

266. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

267. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration.

268. At its forty-fifth session the Sub-Commission, in its resolution 1993/2, having taken into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46 and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), reaffirmed its willingness to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief.

269. The attention of the Sub-Commission is drawn to Commission on Human Rights resolutions 2000/33, entitled "Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief", and 2000/84, entitled "Defamation of religions".

Sub-item (a) (iii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions

270. By its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission to consider ways and means of encouraging Governments which have not yet done so to ratify or adhere to international human rights instruments. By the same resolution, the Sub-Commission requested the Secretary-General, well before the annual session of the Sub-Commission, to write to Governments which had not yet accepted the human rights instruments, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which they might face in respect of which the United Nations could offer any assistance. The Sub-Commission invited its sessional Working Group to examine the replies received from Governments and to consider what forms of assistance could be provided to Governments by the United Nations in that regard.

271. At its thirty-eighth session, the Sub-Commission, in resolution 1985/5, decided to suspend the work of the Working Group until further review of its mandate and requested its Chairman to appoint one of its members to report to it on information received under the resolution.

272. At its forty-sixth session, the Sub-Commission, in its resolution 1994/31, considering that since 1979, the year when the Sub-Commission began systematically to address the issue of encouraging universal ratification of international human rights instruments, no substantive progress has been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments, and taking note of the absence of any formal response from Member States to the invitations extended to them to offer clarification as to why they were unable to ratify those instruments, decided to discontinue consideration of this matter under a separate agenda item. The Sub-Commission also decided to take up these issues when they arose under the existing items of its agenda.

273. At its fiftieth session, the Sub-Commission, in its decision 1998/115, decided to request Mr. Vladimir Kartashkin to prepare a working paper on ways in which the Sub-Commission could examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which were not parties to United Nations human rights conventions and to submit it to the Sub-Commission at its fifty-first session. The Sub-Commission also decided to amend the title of the sub-item entitled "Encouragement of universal acceptance of human rights instruments" by adding the words "and observance of the

human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions", and to make this an annual sub-item of the agenda.

274. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Mr. Kartashkin (E/CN.4/Sub.2/1999/29). In its resolution 1999/28, the Sub-Commission requested Mr. Kartashkin to continue his work on the subject, without financial implications, and to submit an additional working paper to the Sub-Commission at its fifty-second session. The Sub-Commission decided to continue consideration of this question at its fifty-second session under the appropriate agenda item.

275. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Kartashkin (E/CN.4/Sub.2/2000/2).

Sub-item (b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights

276. At its forty-fifth session the Sub-Commission decided, in its decision 1993/102, to include on its agenda a new item, entitled "Implications of humanitarian activities for the enjoyment of human rights". At the same session the Sub-Commission decided, in its resolution 1993/38, to recommend that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights. This recommendation was not approved by the Commission at its fiftieth session (decision 1994/103).

277. At its forty-sixth session, the Sub-Commission, in its resolution 1994/25, expressed its appreciation to Ms. Palley for her preparatory document on the subject (E/CN.4/Sub.2/1994/39) and decided to recommend to the Commission on Human Rights the appointment of Ms. Palley as Special Rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

278. At its fifty-first session, the Commission, in its decision 1995/107, having due regard for the importance for all United Nations organs and bodies to consider the impact of their activities on human rights, but also having regard for the need for the Sub-Commission to avoid making judgements on issues within the responsibility of other United Nations bodies and to avoid overloading its agenda, decided not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the question.

279. At its forty-seventh session, the Sub-Commission, in its resolution 1995/19, having taken note of Commission on Human Rights decision 1995/107 and the need expressed therein for the Sub-Commission to avoid making judgements on issues that are within the responsibility of other United Nations bodies, decided to recommend again that the Commission on Human Rights authorize the Sub-Commission to designate one of its members as special rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

280. At its fifty-second session, the Commission, in its decision 1996/106, decided not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing such a study.

281. At its forty-ninth session, the Sub-Commission adopted resolution 1997/34 entitled "Respect for humanitarian and human rights law provisions in United Nations peacekeeping operations".

Adverse consequences of economic sanctions on the enjoyment of human rights

282. At its fiftieth session, the Sub-Commission, in its decision 1998/112, decided to continue consideration of the adverse consequences of economic sanctions on human rights at its fifty-first session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

283. At its fifty-first session, the Sub-Commission, in its decision 1999/111, recalling its resolution 1997/35 and its decision 1998/112, decided, without a vote, to request Mr. Marc Bossuyt to prepare, without financial implications, a working paper on the adverse consequences of economic sanctions on human rights and to submit the working paper at its fifty-second session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

284. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Bossuyt (E/CN.4/Sub.2/2000/33).

Sub-item (b) (ii) Terrorism and human rights

285. At its forty-sixth session, the Sub-Commission, in its resolution 1994/18, decided, in accordance with Commission on Human Rights resolution 1994/46, to entrust Mr. Said Naceur Ramadhane with the task of preparing a working paper on the question of terrorism and human rights, to be considered at its forty-seventh session.

286. No working paper was submitted by Mr. Ramadhane to the Sub-Commission.

287. At its forty-eighth session, the Sub-Commission, in its resolution 1996/20, decided to entrust Mrs. Kalliopi K. Koufa with the task of preparing a working paper on the question of terrorism and human rights.

288. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mrs. Koufa (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper.

289. At its forty-fourth session, the Commission on Human Rights, in its decision 1998/107, decided to approve the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper, and to request the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session.

290. At its fiftieth session, the Sub-Commission had before it a note by the secretariat on this subject (E/CN.4/Sub.2/1998/24). In its resolution 1998/29, the Sub-Commission requested the Special Rapporteur to elaborate a preliminary report based on her working paper and to submit it to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session.

291. At its fifty-first session, the Sub-Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1999/27). In its resolution 1999/26, the Sub-Commission requested the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her progress report, in particular by providing for visits to Geneva, New York and, in particular, the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention in Vienna, in order to hold consultations with the competent services and bodies of the United Nations system, to complement her essential research and to collect all the needed and up-to-date information and data. The Secretary-General was also requested to transmit the preliminary report of the Special Rapporteur to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations with the request that they submit to the Special Rapporteur as soon as possible comments, information and data relating to the study on terrorism and human rights.

292. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/30, endorsed the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary, in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her progress report.

293. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2000/31).

294. The attention of the Sub-Commission is also drawn to General Assembly resolution 54/164, entitled "Human rights and terrorism".

Sub-item (b) (iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

295. By its decision 4 (XXXIV) of 10 September 1981, the Sub-Commission decided to include in the provisional agenda of its thirty-fifth session a new item, entitled "The effects of gross violations of human rights on international peace and security". At its thirty-seventh session, the Sub-Commission decided, in its resolution 1984/30, to consider the item as a sub-item, entitled "Gross violations of human rights and international peace".

296. At its thirty-eighth session, the Sub-Commission, in its resolution 1985/1, decided that this item of its agenda should be expressed as follows: "International peace and security as an essential condition for the enjoyment of human rights, above all the right to life". In its resolution 1985/34, the Sub-Commission decided that the item would be considered on a biennial basis, starting from its thirty-ninth session.

297. At its forty-first session, the Sub-Commission, in its resolution 1989/47, invited Mr. Murlidhar Bhandare to prepare a working paper on the interrelationship between international peace and the effective materialization of all human rights, particularly of the rights to life and to development. At its forty-third session, the Sub-Commission had before it the working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1991/32 and Corr.1).

298. At its forty-fourth session, the Sub-Commission, in its resolution 1992/7, requested Mr. Bhandare to supplement his working paper and to present a further document to the Sub-Commission at its forty-sixth session. At its forty-sixth session, the Sub-Commission had before it the supplementary working paper prepared by Mr. Bhandare (E/CN.4/Sub.2/1994/29).

299. The attention of the Sub-Commission is drawn to the Commission on Human Rights resolution 2000/66, entitled "Towards a culture of peace". (See also para. 264 above.)

Sub-item (c) Human rights and disability

300. In its resolution 1984/20, the Sub-Commission decided to inscribe on its agenda an item entitled "Human rights and disability". In the same resolution, the Sub-Commission decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26.

301. At its forty-third session, the Sub-Commission considered and approved the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/31). The Sub-Commission adopted resolution 1991/19, in which it welcomed the recommendations contained in the report, in particular those relating to the implementation of the human rights of disabled persons.

302. The Commission, in its resolution 1992/48, invited human rights treaty-monitoring bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons. In its resolutions 1993/29, 1994/27, 1995/58, 1996/27, 1998/31 and 2000/51, the Commission reiterated that invitation.

303. In its resolution 1992/48, the Commission requested the Secretary-General to issue the final report of the Special Rapporteur as a United Nations publication in all official languages. The final report was published as No. 6 in the Study Series, under the title Human Rights and Disabled Persons (E.92.XIV.4).

304. With respect to the present item, the attention of the Sub-Commission is also drawn to General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and decided to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor their implementation (Part IV, para. 2). In addition, the Vienna Declaration and Programme of Action made specific reference to the rights of disabled persons (Part I, para. 22 and Part II B, sect. 6).

305. The Sub-Commission, in its resolution 1995/17, requested the Secretary-General to report to the Sub-Commission regarding coordination endeavours which affect persons with disabilities, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill of Human Rights and United Nations treaties that protect persons with disabilities. At its forty-eighth session, the Sub-Commission had before it the report of the Secretary-General (E/CN.4/Sub.2/1996/27).

306. The attention of the Sub-Commission is drawn to Commission on Human Rights resolution 2000/51, entitled "Human rights of persons with disabilities".

Sub-item (d) Human rights and scientific and technological developments

307. The Sub-Commission, at its forty-fourth session, adopted decision 1992/104, in which it decided to consider under this item the possibility of elaborating new human rights standards relating to scientific developments which could affect the mental condition or the genetic structure of human beings.

308. At its forty-eighth session, the Sub-Commission, in its decision 1996/110, recognizing that everyone has the right to enjoy the benefits of scientific progress and its applications, and noting that certain advances, notably in the biomedical and life sciences, as well as in information technology, might have potentially adverse consequences for the integrity, dignity and human rights of the individual, decided to entrust Mr. Osman El-Hajjé with the task of preparing a working paper on the potentially adverse consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual.

309. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mr. El-Hajjé (E/CN.4/Sub.2/1997/34). In its resolution 1997/42, the Sub-Commission recommended that the Commission on Human Rights authorize the Sub-Commission to appoint Mr. El-Hajjé as Special Rapporteur to conduct a detailed study on the potentially adverse and positive consequences of scientific progress and its applications for the integrity, dignity and human rights of the individual, which would, inter alia, provide a detailed and updated account of the situation and a catalogue of existing national laws, policies and procedures concerning the

prevention of the potentially adverse consequences of scientific and technological progress and its applications for the integrity, dignity and human rights of the individual, as well as to propose solutions to problems associated with the existing shortcomings.

310. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/104, decided to request the Sub-Commission to reconsider its recommendation to appoint a special rapporteur on human rights and scientific and technological developments.

311. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/63 entitled "Human rights and bioethics", requested the Sub-Commission to consider what contribution it could make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on the matter to the Commission at its fifty-seventh session.

Sub-item (e) Other new developments

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights

312. At its forty-ninth session, the Sub-Commission, in its resolution 1997/36, having considered the report of the Secretary-General on information gathered by him pursuant to Sub-Commission resolution 1996/16 on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium and their consequential and cumulative effects and the danger they represent to life, physical security and other human rights (E/CN.4/Sub.2/1997/27) and the many serious questions raised therein, decided to authorize Ms. Clemencia Forero Ucros to prepare a working paper, in the context of human rights and humanitarian norms, assessing the utility, scope and structure of a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering.

313. In its resolution 1997/37, the Sub-Commission, deeply concerned at the recurrence of armed conflicts exacerbated by the illicit transfer of arms, their incidence on the enjoyment of human rights and on the application of international humanitarian law, as well as by their adverse consequences for international and regional peace and security, decided to authorize the inclusion of the question of illicit transfer of arms in the preliminary document concerning a study in the context of human rights and humanitarian norms, on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, to be submitted to the Sub-Commission at its fiftieth session.

314. At its fiftieth session, the Sub-Commission had before it a note by the secretariat (E/CN.4/Sub.2/1998/23). In its decision 1998/111, the Sub-Commission, having taken note of the circumstances surrounding the inability of Ms. Forero Ucros to submit her working paper, decided to request her to submit it to the Sub-Commission at its fifty-first session.

315. At its fifty-first session, the Sub-Commission again had before it a note by the secretariat (E/CN.4/Sub.2/1999/26) explaining that, owing to other commitments, Ms. Forero Ucros would not be able to prepare the working paper for the fifty-first session of the Sub-Commission.

Sub-item (e) (ii) Arbitrary deprivation of nationality

316. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/36, entitled "Human rights and arbitrary deprivation of nationality", requested the Secretary-General to transmit the resolution to Governments, intergovernmental and non-governmental organizations and the Sub-Commission and to request their views thereon.

317. The Commission on Human Rights, in its resolutions 1998/48 and 1999/28, urged the appropriate mechanisms of the Commission on Human Rights and the pertinent United Nations treaty bodies to continue to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports. The Commission decided to remain seized of this matter.

Item 13. Concluding items

Sub-item (a) Consideration of the future work of the Sub-Commission

318. At its forty-eighth session, the Sub-Commission placed on its agenda, as a separate sub-item, an item entitled "Consideration of the future work of the Sub-Commission".

319. At its fifty-first session, following a discussion held under agenda item 1 (c), a note by the Chairman on the common position of the Sub-Commission on its future tasks, length of sessions, working methods, composition and election of members (E/CN.4/Sub.2/1999/47) was circulated.

320. In connection with this sub-item, the attention of the Sub-Commission is drawn to Commission on Human Rights decision 2000/109 entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights" (see paras. 20-24 above).

321. The attention of the Sub-Commission is also drawn to Commission resolution 2000/83, entitled "Work of the Sub-Commission on the Promotion and Protection of Human Rights" (see para. 19 above).

Sub-item (b) Draft provisional agenda for the fifty-third session of the Sub-Commission

322. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

323 Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the fifty-second session, a note containing a draft provisional agenda for the fifty-third session, together with information concerning the documentation relating thereto (E/CN 4/Sub 2/2000/L 1)

Sub-item (c) Adoption of the report on the fifty-second session

324 Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session

Annex

LIST OF MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the fifty-eighth (2002) session or at the sixtieth (2004) session of the Commission on Human Rights.

Mr. Miguel ALFONSO MARTÍNEZ * Mr. Juan Antonio FERNÁNDEZ PALACIOS	(Cuba)	2004
Mr. José BENGOA * Mr. Alejandro Enrique SALINAS RIVERA	(Chile)	2002
Ms. Erica-Irene A. DAES * Ms. Kalliopi KOUFA	(Greece)	2002
Mr. Asbjørn EIDE * Mr. Jan HELGESEN	(Norway)	2004
Mr. FAN Guoxiang * Mr. ZHONG Shukong	(China)	2002
Mr. Héctor FIX-ZAMUDIO * Mr. Alonso GÓMEZ-ROBLEDO VERDUZCO	(Mexico)	2002
Mr. Rajendra Kalidas Wimala GOONESEKERE * Ms. Deepika UDAGAMA	(Sri Lanka)	2002
Mr. El-Hadji GUISSÉ	(Senegal)	2002
Ms. Françoise Jane HAMPSON * Ms. Helena COOK	(United Kingdom of Great Britain and Northern Ireland)	2002
Mr. Louis JOINET * Mr. Emmanuel DECAUX	(France)	2002
Ms. Iulia Antoanella MOTOC * Ms. Victoria SANDRU	(Romania)	2004

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* Alternate.

Mr. Stanislav OGURTSOV	(Belarus)	2004
Mr. Joseph OLOKA-ONYANGO	(Uganda)	2002
Mr. Soo Gil PARK * Mr. Chin Sung CHUNG	(Republic of Korea)	2004
Mr. Paulo Sérgio PINHEIRO * Ms. Marília S. ZELNER GONÇALVES	(Brazil)	2002
Mr. Godfrey Bayour PREWARE * Ms. Christy Ezim MBONU	(Nigeria)	2004
Mr. Teimuraz O. RAMISHVILI * Mr. Vladimir KARTASHKIN	(Russian Federation)	2002
Mr. Manuel RODRÍGUEZ CUADROS	(Peru)	2004
Mr. Yeung Kam Yeung SIK YUEN	(Mauritius)	2002
Mr. Soli Jehangir SORABJEE	(India)	2002
Mr. Fried VAN HOOF * Ms. Lammy BETTEN	(Netherlands)	2004
Ms. Halima Embarek WARZAZI	(Morocco)	2004
Mr. David WEISSBRODT * Ms. Barbara FREY	(United States of America)	2004
Mr. Fisseha YIMER	(Ethiopia)	2004
Mr. Yozo YOKOTA * Ms. Yoshiko TERAO	(Japan)	2004
Ms. Leïla ZERROUGUI	(Algeria)	2004

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session

AGENDA

The agenda of the fifty-second session, as adopted by the Sub-Commission at its 1st meeting on 31 July 2000, is reproduced below:

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

   (a) Situation of migrant workers and members of their families;

   (b) Xenophobia;

   (c) World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

4. The realization of economic, social and cultural rights:

   (a) The international economic order and the promotion of human rights;

   (b) The realization of the right to development;

   (c) The question of transnational corporations;

   (d) The realization of the right to education, including education in human rights.

5. The implementation of human rights with regard to women:

   (a) Traditional practices affecting the health of women and the girl child;

   (b) The role and equal participation of women in development.

6. Contemporary forms of slavery.

7. Human rights of indigenous peoples:

   (a) Indigenous peoples and their relationship to land.

8. Prevention of discrimination against and the protection of minorities.

9. The administration of justice and human rights:

   (a) Question of human rights and states of emergency;

   (b) Application of international standards concerning the human rights of detained juveniles;

   (c) Gross and massive violations of human rights as an international crime;

   (d) Juvenile justice;

   (e) Privatization of prisons;

   (f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

10. Freedom of movement:

   (a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

   (b) Human rights and population displacements.

11. Situation regarding the promotion, full realization and protection of the rights of children and youth.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(iii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions;

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights;

(ii) Terrorism and human rights;

(iii) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

13. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-third session of the Sub-Commission;

(c) Adoption of the report on the fifty-second session.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-second session

AGENDA

Corrigendum

The title of agenda item 2 should read as follows:

Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

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REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

REVIEW OF DEVELOPMENTS CONCERNING RECOMMENDATIONS AND DECISIONS RELATING, INTER ALIA, TO

ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS AND OBSERVANCE OF THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS BY STATES WHICH ARE NOT PARTIES TO UNITED NATIONS HUMAN RIGHTS CONVENTIONS

Observance of human rights by States which are not parties to United Nations human rights conventions

Additional working paper submitted by Mr. V. Kartashkin pursuant to Sub-Commission resolution 1999/28

GE.00-13948 (E)

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Introduction

1. In its decision 1998/115 of 26 August 1998 the Sub-Commission on Prevention of Discrimination and Protection of Minorities, having discussed the question of the fiftieth anniversary of the Universal Declaration of Human Rights and the encouragement of acceptance of human rights instruments, requested Mr. Vladimir Kartashkin to prepare, without financial implications, a working paper on ways in which the Sub-Commission could examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States not parties to United Nations human rights conventions and to submit it to the Sub-Commission at its fifty-first session.

2. At its fifty-first session the Sub-Commission, mindful of the need to examine further the ways and means of encouraging States to observe the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights and to ratify the principal United Nations human rights conventions, took note of the working paper prepared by Mr. Kartashkin (E/CN.4/Sub.2/1999/29) and, in its resolution 1999/28, requested him to continue his work on the subject, without financial implications, and to submit an additional working paper to the Sub-Commission at its fifty-second session.

3. This additional working paper considers the main issues which have a direct bearing on the mandate of the Sub-Commission. It essentially deals only with matters relating to the observance by States of the fundamental human rights and freedoms proclaimed in the Universal Declaration and reaffirmed in the International Covenants on Human Rights. The proposals made in this additional working paper are based primarily on the discussion which took place during the fifty-first session of the Sub-Commission when it considered this agenda item.

I. RATIFICATION BY STATES OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS AND OTHER CONVENTIONS CONTAINING THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS PROCLAIMED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

4. As pointed out in the main working paper (E/CN.4/Sub.2/1999/29), all States are now obliged, irrespective of their political, economic and cultural systems, to promote and protect human rights and fundamental freedoms. This universal obligation derives first and foremost from the Charter of the United Nations and the Universal Declaration of Human Rights.

5. The fundamental rights and freedoms proclaimed in the Universal Declaration have been reaffirmed in the International Covenants on Human Rights and in a number of other international conventions. As a result of the customary and treaty practice of States, many of them have acquired the character of jus cogens and have become binding for all countries of the world. Every State is therefore obliged to incorporate these rights into its legislation and to apply them in everyday practice.

6. A list of these rights has been proclaimed in the constitutions and legislative acts of various countries, and repeatedly reaffirmed in the decisions of both universal and regional international organizations [1]

7. The overwhelming majority of States are now parties to international human rights instruments. By the beginning of 2000, 141 States had acceded to the International Covenant on Economic, Social and Cultural Rights, and 144 to the International Covenant on Civil and Political Rights. A total of 153 States had become parties to the International Convention on the Elimination of All Forms of Racial Discrimination, and 112 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Only the Convention on the Rights of the Child has been signed and ratified by virtually all countries. These figures demonstrate that quite a number of States have not yet ratified the principal international human rights instruments and thus have not come under the supervision of the United Nations treaty bodies.

8. The attitude of States towards the ratification of international human rights conventions may be traced in outline with reference to the International Covenants on Human Rights, which have set forth in treaty form a list of the fundamental human rights and freedoms proclaimed in the Universal Declaration.

9. In the late 1970s, the 1980s and the early 1990s, ratification of the Covenants typically proceeded fairly quickly. However, in recent years this process has slowed considerably. Moreover, some States have been informing the Secretary-General of the United Nations of their decision to denounce the International Covenant on Civil and Political Rights and the Optional Protocol thereto.[2]

10. The two International Covenants on Human Rights have not been ratified by:

Andorra, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, China, Comoros, Cook Islands, Cuba, Djibouti, Eritrea, Fiji, Ghana, Holy See, Indonesia, Kazakhstan, Kiribati, Lao People's Democratic Republic, Liberia, Liechtenstein, Malaysia, Maldives, Marshall Islands, Mauritania, Micronesia (Federated States of), Mozambique, Myanmar, Nauru, Niue, Oman, Pakistan, Palau, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Singapore, South Africa, Swaziland, Tajikistan, Tonga, Turkey, Tuvalu, United Arab Emirates, Vanuatu.

11. As can be seen from this list, the International Covenants on Human Rights have not been ratified largely by developing countries of Asia, Africa and Latin America, many of which are less developed countries. These include both relatively new States Members of the United Nations and countries that have been Members of the Organization for many decades.

II. POSSIBLE OBSTACLES TO RATIFICATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

12. There are numerous obstacles to ratification of the International Covenants on Human Rights. Such obstacles vary depending on the specific political, economic, social, cultural, historical and other circumstances of the development of one or another country. They may be divided into long-term and easily removable obstacles. Removing long-term obstacles calls for concentrated efforts by the country concerned and assistance from the international community as a whole.

13. Possible long-term obstacles to ratification of the International Covenants on Human Rights must be said to include political instability in a number of the countries mentioned, the absence of democratic traditions, religious intolerance, low rates of economic growth or even recession, high unemployment, declining wages and salaries, and so on.

14. Apart from the long-term and intractable obstacles, in many countries there are causes of a more general character that can easily be addressed. These include such factors as a lack of full and reliable information about the International Covenants on Human Rights, misconceptions regarding the nature of their provisions and especially about the consequences of their ratification and the operation of the supervisory machinery. Not always justified fears about the economic burden, the political implications or difficulties of a legislative order may also stand in the way of ratification of the Covenants. Such factors can easily be addressed through broad information, awareness-raising and other activities.

III. IDENTIFYING THE OBSTACLES TO RATIFICATION OF THE COVENANTS AND SEEKING WAYS TO OVERCOME THEM

15. A seminar of States which are not parties to the Covenants should be organized and held with a view to comprehensively examining the obstacles to ratification of the Covenants and looking for ways of surmounting them. States that long ago ratified the Covenants and have positive experience in their implementation, the chairpersons or experts of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, and representatives of interested non-governmental organizations must also be invited to participate. The Sub-Commission and the Office of the High Commissioner for Human Rights should be involved in the organization and holding of such a seminar.

16. With a view to preparing for and holding a seminar of this kind, the Office of the High Commissioner for Human Rights should seek the views of the States concerned and interested non-governmental organizations, and also gather all available information about existing obstacles to effective enjoyment of the human rights and fundamental freedoms embodied in the Universal Declaration and obstacles to ratification of the Covenants, and about the measures being taken by States to remove them.

17. The holding of the seminar will help to define areas in which assistance from the United Nations may be useful for the States concerned. The seminar should result in the formulation and adoption of specific recommendations on the provision of assistance to those States in meeting their established or stated needs, including technical cooperation and advisory services, thereby contributing to observance of the fundamental rights and freedoms set forth in the Universal Declaration, as well as ratification of the International Covenants on Human Rights.

IV. ESTABLISHMENT OF A MECHANISM FOR ENCOURAGING EFFORTS BY STATES TO OBSERVE THE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS CONTAINED IN THE UNIVERSAL DECLARATION, AND THEIR RATIFICATION OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS

18. One of the aims of the proposed seminar should be to formulate agreed recommendations concerning the creation of a permanent or temporary mechanism for encouraging efforts by States to observe the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights, and their ratification of the International Covenants on Human Rights.

19. In the main working paper, the author proposed a draft resolution on the establishment of an inter-sessional working group for a period of three years (E/CN.4/Sub.2/1999/29, paras. 22-29 and annex). This working group was to be invited to request States which are not parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights to submit reports on the observance of the Universal Declaration of Human Rights and on legislative and other measures taken for its implementation and progress achieved in this respect, as well as on any factors or difficulties affecting the degree of enjoyment of the human rights and fundamental freedoms contained in the Declaration.

20. The working group, for its part, was to make recommendations to States and also set forth views concerning the provision of assistance to them in meeting established or stated needs, including technical cooperation and advisory services, which might contribute to observance of the fundamental rights and freedoms set forth in the Universal Declaration, as well as the ratification and implementation both of the International Covenants on Human Rights and of other relevant United Nations conventions in this field.

21. During the discussion of the main working paper, some members of the Sub-Commission expressed doubts about the advisability at this early stage of establishing the working group proposed by the author. It is therefore suggested that action for the time being should be limited to the holding of the above-mentioned seminar, which might successfully accomplish some of the objectives envisaged in the draft resolution of the Sub-Commission entitled "Observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions". The proposed seminar should thus deal only with specific issues concerning the observance by States of the fundamental human rights and freedoms proclaimed in the Universal Declaration, and the reasons for their non-ratification solely of the International Covenants on Human Rights. Otherwise, the work of the seminar will be overburdened with the consideration of many other matters and a successful outcome might then hardly be possible.

22. It should at the same time be borne in mind that the proposed seminar is only a first step in the consideration of issues relating to observance of the Universal Declaration of Human Rights by the States concerned and to their non-ratification of the International Covenants on Human Rights.

23. After the holding of the seminar, and depending on the recommendations adopted by it, the Sub-Commission could revert to a discussion of the question of establishing an inter-sessional working group or appointing a special rapporteur on human rights, as well as any other bodies that might be proposed.

24. It is the duty and obligation of the States Members of the United Nations to undertake all possible efforts for the observance of fundamental human rights and freedoms everywhere and for full implementation of all the provisions of the Universal Declaration of Human Rights. This will undoubtedly be facilitated by the ratification of the International Covenants on Human Rights by all States at the earliest possible time.

Notes

[1] Hurst Hannum, "The status of the Universal Declaration of Human Rights in national and international law". This article is based on a report prepared by the author as Rapporteur of the Committee on the Enforcement of International Human Rights Law of the International Law Association. Georgia Journal of International and Comparative Law, vol. 25, Nos. 1-2, pp. 287-397.

[2] For example, the Democratic People's Republic of Korea has announced its denunciation of the International Covenant on Civil and Political Rights, and Guyana has denounced the Optional Protocol to the Covenant.